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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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JOSEPH WOLF, CARMEN WOLF,  
 ON BEHALF OF THEMSELVES AND THOSE  
 SIMILARLY SITUATED,

Plaintiffs,

v.

DOLGEN NEW YORK, LLC D/B/A DOLGEN,

Defendant.

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:	Case No. 7:23-cv-00558 (PMH)
:	<b>DECLARATION OF PHILIP</b>
:	<b>A. GOLDSTEIN IN</b>
:	<b>SUPPORT OF</b>
:	<b>DOLGEN NEW YORK,</b>
:	<b>LLC'S MOTION FOR</b>
:	<b><u>SUMMARY JUDGMENT</u></b>
:	
:	
:	
	X

I, Philip A. Goldstein, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am counsel with the law firm McGuireWoods LLP, attorneys for Defendant Dolgen New York, LLC (“Dollar General” or “Defendant”). As counsel for Defendant, I am admitted to practice law before this court, and I am familiar with the pleadings, facts, and circumstances in this action. I submit this declaration in support of Dollar General’s Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 and Local Civil Rule 56.1.

2. Plaintiffs filed this action against Dollar General on January 23, 2023. (ECF No. 1). Plaintiffs have since amended their Complaint twice (ECF Nos. 25 and 26). The operative Complaint is Plaintiffs’ Second Amended Complaint (ECF No. 26). Attached as **Exhibit 1** is a true and correct copy of Plaintiffs’ Second Amended Complaint, including exhibits, filed on May 30, 2023 (ECF No. 26).

3. Attached as **Exhibit 2** is a true and correct copy of Dollar General's Answer to Plaintiffs' Second Amended Complaint filed on June 2, 2023 (ECF No. 28).

4. Attached as **Exhibit 3** is a true and correct copy of the January 8, 2024 deposition transcript of Plaintiff Joseph Wolf conducted in the above-captioned litigation.

5. Attached as **Exhibit 4** is a true and correct copy of the January 9, 2024 deposition transcript of Plaintiff Carmen Wolf conducted in the above-captioned litigation.

6. Attached as **Exhibit 5** is a true and correct copy of the December 14, 2023 deposition transcript of Mia Savaloja conducted in the above-captioned litigation.

7. Attached as **Exhibit 6** is a true and correct copy of the January 31, 2024 deposition transcript of Connie Droke conducted in the above-captioned litigation.

8. Attached as **Exhibit 7** is a true and correct copy of the March 7, 2024 deposition transcript of Nick Snow conducted in the above-captioned litigation.

9. Attached as **Exhibit 8** is a true and correct copy of Dr. Benjamin S. Wilner's March 18, 2024 Expert Report.

10. Attached as **Exhibit 9** is a true and correct copy of Sunil Sajnani's March 18, 2024 Expert Report.

11. Attached as **Exhibit 10** is a true and correct copy of Plaintiffs' Combined Supplemental Responses to Dollar General's Requests for Production served on January 4, 2024 in the above-captioned litigation.

12. Attached as **Exhibit 11** is a true and correct copy of Plaintiffs' Supplemental Combined Responses to Dollar General's Interrogatories served on January 4, 2024 in the above-captioned litigation.

13. Attached as **Exhibit 12** is a true and correct copy of Plaintiffs' First Amended Responses to Dollar General's Requests for Admission served on February 29, 2024 in the above-captioned litigation.

14. Attached as **Exhibit 13** are true and correct copies of Plaintiff Joseph Wolf's September 4, 2022 and September 18, 2022 receipts and photographs of shelf prices produced by Plaintiffs during discovery in this matter, Bates Stamped numbers WOLF-000001 to WOLF\_000004.

15. Attached as **Exhibit 14** is a true and correct copy of a photograph of a shelf price produced by Plaintiffs during discovery in this matter, Bates Stamped number OPP002-0000253.

16. Attached as **Exhibit 15** is a true and correct copy of Plaintiffs' April 11, 2023 receipt and photograph of a shelf price produced by Plaintiffs during discovery in this matter, Bates Stamped numbers WOLF\_000005 to WOLF\_000006.

17. Attached as **Exhibit 16** are true and correct copies of Plaintiffs' December 11, 2022 receipt and photograph of a shelf price produced by Plaintiffs during discovery in this matter, Bates Stamped numbers WOLF\_000007 to WOLF\_000009.

18. Attached as **Exhibit 17** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card statement for billing period 11/15/2022 to 12/14/2022 produced by Plaintiffs during discovery in this matter, Bates Stamped numbers WOLF\_000071 to WOLF\_000076.

19. Attached as **Exhibit 18** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 01/03/2023 to 08/10/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000087.

20. Attached as **Exhibit 19** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 08/10/2023 to 01/02/2024 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000088.

21. Attached as **Exhibit 20** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 12/14/2021 to 12/31/2021 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000089.

22. Attached as **Exhibit 21** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 01/01/2022 to 03/01/2022 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000090.

23. Attached as **Exhibit 22** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 03/01/2022 to 05/01/2022 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000091.

24. Attached as **Exhibit 23** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 05/01/2022 to 07/01/2022 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000092.

25. Attached as **Exhibit 24** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 07/01/2022 to 09/01/2022 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000093.

26. Attached as **Exhibit 25** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 09/01/2022 to 11/01/2022 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000094.

27. Attached as **Exhibit 26** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 11/01/2022 to 12/31/2022 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000095.

28. Attached as **Exhibit 27** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 01/01/2023 to 03/01/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000096.

29. Attached as **Exhibit 28** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 03/01/2023 to 05/01/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000097.

30. Attached as **Exhibit 29** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 05/01/2023 to 07/01/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000098.

31. Attached as **Exhibit 30** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 07/01/2023 to 09/01/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000099.

32. Attached as **Exhibit 31** is a true and correct copy of a portion of Plaintiff Carmen Wolf's credit card transaction history from 09/01/2023 to 11/01/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000100.

33. Attached as **Exhibit 32** is a true and correct copy of Plaintiff Carmen Wolf's credit card transaction history from 11/01/2023 to 12/1/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000101.

34. Attached as **Exhibit 33** is a true and correct copy of Plaintiff Carmen Wolf's credit card transaction history from 12/1/2023 to 12/31/2023 produced by Plaintiffs during discovery in this matter, Bates Stamped number WOLF\_000102.

35. Attached as **Exhibit 34** is a true and correct copy of a photograph of a Dollar General checkout display monitor produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0040629.

36. Attached as **Exhibit 35** is a true and correct copy of a document reflecting Dollar General SKUs for the 2023 fiscal year produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0040637.

37. Attached as **Exhibit 36** is a true and correct copy of the PDF printout of an excel sheet reflecting price override transactions in New York Dollar General stores produced by Dollar General during discovery in this matter, designated Bates Stamp number DG\_WOLF\_0040641.

38. Attached as **Exhibit 37** is a true and correct copy of Dollar General's October 14, 2022 terms and conditions for accessing and/or use of the Dollar General website, Dollar General applications, and Dollar General accounts produced by Dollar General during discovery in this matter, Bates Stamped numbers DG\_WOLF\_0040714 to DG\_WOLF\_0040728.

39. Attached as **Exhibit 38** is a true and correct copy of photographs of self-service price check devices located in various places in Dollar General stores produced by Dollar General during discovery in this matter, Bates Stamped numbers DG\_WOLF\_0040798 to DG\_WOLF\_0040805.

40. Attached as **Exhibit 39** is a true and correct copy of a photograph of shelf prices of various milk products produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000017.

41. Attached as **Exhibit 40** is a true and correct copy of a photograph of a receipt reflecting a September 4, 2024 transaction produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000018.

42. Attached as **Exhibit 41** is a true and correct copy of a photograph of a shelf price for Kellogg's Eggo Buttermilk waffles produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000021.

43. Attached as **Exhibit 42** is a true and correct copy of a photograph of a shelf price for Kellogg's Eggo Buttermilk waffles produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000022.

44. Attached as **Exhibit 43** is a true and correct copy of a photograph of a receipt reflecting a September 18, 2024 transaction produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000023.

45. Attached as **Exhibit 44** is a true and correct copy of a photograph of a receipt reflecting a September 18, 2024 transaction produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000024.

46. Attached as **Exhibit 45** is a true and correct copy of a photograph of a receipt reflecting a September 18, 2024 transaction produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000025.

47. Attached as **Exhibit 46** is a true and correct copy of a photograph of a receipt reflecting a September 18, 2024 transaction produced by Plaintiffs during discovery, Bates Stamped number OPP002-0000026.

48. Attached as **Exhibit 47** is a true and correct copy of a forensic analysis of Plaintiff Joseph Wolf's text messages produced by Plaintiffs during discovery, with each page Bates Stamped number OPP002-0000252.

49. Attached as **Exhibit 48** is a true and correct copy of a May 20, 2022 Audit report correspondence produced by Dollar General during discovery in this matter, Bates Stamped numbers DG\_WOLF\_0004265 to DG\_WOLF\_0004268

50. Attached as **Exhibit 49** is a true and correct copy of a November 8, 2022 Audit report correspondence produced by Dollar General during discovery in this matter, Bates Stamped numbers DG\_WOLF\_0004288 to DG\_WOLF\_0004291.

51. Attached as **Exhibit 50** is a true and correct copy of a January 3, 2023 audit report produced by Dollar General during discovery in this matter, Bates Stamped number DG\_WOLF\_0004583.

52. Attached as **Exhibit 51** is a true and correct copy of Dollar General's price match policy (SOP 88) produced by Dollar General during discovery in this matter, Bates Stamped numbers DG\_WOLF\_0021416 to DG\_WOLF\_0021417.

53. Attached as **Exhibit 52** is a true and correct copy of the PDF printout of a chart tracking refund policy signs in Dollar General New York stores produced by Dollar General during discovery in this matter, designated Bates Stamp number DG\_WOLF\_0040564.

54. Attached as **Exhibit 53** is a true and accurate copy of Exhibit 5 to Plaintiff Carmen Wolf's deposition transcript.

55. Attached as **Exhibit 54** is a true and correct copy of the 2019 edition of the NIST Handbook 130.

56. Attached as **Exhibit 55** is a true and correct copy of the 2020 edition of the NIST Handbook 130.

57. Attached as **Exhibit 56** is a true and correct copy of the 2022 edition of the NIST Handbook 130.

58. Attached as **Exhibit 57** is a true and correct copy of the 2023 edition of the NIST Handbook 130.

59. Attached as **Exhibit 58** is a true and correct copy of the 2024 edition of the NIST Handbook 130.

60. Attached as **Exhibit 59** is a true and accurate copy of Exhibit 3 to Plaintiff Carmen Wolf's deposition transcript.

61. Attached as **Exhibit 60** is a true and accurate copy of Exhibit 6 to Plaintiff Joseph Wolf's deposition transcript.

62. Attached as **Exhibit 61** is a true and accurate copy of Exhibit 5 to Plaintiff Joseph Wolf's deposition transcript.

63. Attached as **Exhibit 62** is a true and accurate copy of the retainer agreement between Plaintiffs and their counsel produced by Plaintiffs during discovery in this matter, Bates Stamped numbers WOLF\_000077 to WOLF\_000080.

64. Attached as **Exhibit 63** are true and correct copies of photographs of shelf prices produced by Plaintiffs during discovery in this matter, Bates Stamped numbers OPP002\_0000005 to OPP002\_0000016.

65. Both fact and expert discovery has concluded in the above captioned litigation.

I declare under penalty of perjury under the laws of the United States of America, and pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on this 16th day of May, 2024, in New York, New York.

*s/ Philip A. Goldstein*  
Philip A. Goldstein